

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MARK ORTEGA, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

KELLER WILLIAMS REALTY, INC.,
and KWWD, LLC

Defendants.

Case No. SA-24-CV-00332-XR

**DEFENDANTS' MOTION FOR EXTENSION AND/OR GUIDANCE IN REGARD TO
THIS COURT'S OCTOBER 19, 2024 ORDER**

Defendants, KELLER WILLIAMS REALTY, INC. and KWWD, LLC, through their undersigned counsel, request this Court grant an extension and/or guidance in regard to this Court's October 19, 2024 text order, and state:

1. On September 16, 2024, this Court, in part, ordered: "that the Plaintiff(s) confer
with the Defendant(s) as required by Fed. R. Civ. P. 26(f) to submit (1) a proposed scheduling
order and (2) a Rule 26(f) Report ... for the Court's consideration by October 16, 2024." ECF No.
25.

2. As detailed in defendants' motion for order to show cause and/or to compel in regard to this Court's September 16, 2024 order, which was filed on October 16, 2024, ECF No. 28, plaintiff did not comply with the Court's September 16, 2024 order.

3. On October 19, 2024, this Court subsequently entered a text order terminating defendants' motion, and ordered that “[t]he parties are directed to meet and confer to submit (1) a proposed scheduling order and (2) a Rule 26(f) Report in the formats shown in the Court's order

of September 16, 2024 ... by no later than October 30, 2024, or seek an extension of time to do so.” [Emphasis in original].

4. Since that text order was entered, plaintiff’s counsel has withdrawn from the case.

See ECF Nos. 29-32 and text orders of October 24, 2024.

5. At this time, defendants are unsure whether this case is proceeding, whether they should be directly reaching out to the named plaintiff, Mr. Ortega, to conduct the Court ordered meet and confer conference and/or whether plaintiff intends to appear through different counsel for purposes of participating in the meet and confer conference and for prosecuting the case going forward.

6. As a result of the above, no meet and confer conference has taken place and defendants have been unable to prepare the requested submissions.

7. However, faced with the deadlines set by this Court’s October 19 text order, defendants see no other choice than to bring this motion to the Court requesting an extension and/or guidance in regard to this Court’s October 19, 2024 text order.

WHEREFORE, defendants request this Court grant an extension and/or guidance in regard to this Court’s October 19, 2024 text order.

Date: October 30, 2024

Respectfully submitted,

/s/ Todd P. Stelter
 Todd P. Stelter
 Admitted Pro Hac Vice
 tstelter@hinshawlaw.com
 151 North Franklin Street, Suite 2500
 Chicago, Illinois 60606
 telephone: 312-704-3000

facsimile: 312-704-3001

C. Charles Townsend
SBN: 24028053, FBN: 1018722
ctownsend@hinshawlaw.com
Alfredo Ramos
SBN: 24110251, FBN: 3687680
framros@hinshawlaw.com
HINSHAW & CULBERTSON LLP
1717 Main Street, Suite 3625
Dallas, Texas 75201
telephone: 945-229-6380
facsimile: 312-704-3001

**ATTORNEYS FOR DEFENDANT
KELLER WILLIAMS REALTY, INC.**

/s/ Kelly P. Rogers
Kelly P. Rogers
SBN 00788232
kelly@retexlaw.com
Stephan B. Rogers
SBN 17186350
steve@retexlaw.com
ROGERS & ELLIOTT, PLLC
309 Water St., Ste 201
Boerne, TX 78006
Telephone: 830-816-5487
Facsimile: 866-786-4777

**ATTORNEYS FOR DEFENDANT
KWWD, LLC**

CERTIFICATE OF SERVICE

A true and correct copy of this document was served on October 30, 2024 as follows:

Mark Anthony Ortega
15450 Capital Prt Dr.
San Antonio, Texas 78249
VIA US MAIL

/s/ Todd P. Stelter
Todd P. Stelter